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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,381	02/14/2006	Walter Niederstaetter	03071K	1036
38263	7590	12/19/2011	EXAMINER	
PROPAT, L.L.C.			WOOD, ELLEN S	
425-C SOUTH SHARON AMITY ROAD			ART UNIT	PAPER NUMBER
CHARLOTTE, NC 28211-2841			1782	
			MAIL DATE	DELIVERY MODE
			12/19/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/568,381	NIEDERSTAETTER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	ELLEN S. WOOD	1782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 October 2011.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 5) Claim(s) 1,3,4,6-10,12-15,18,19 and 21-27 is/are pending in the application.
  - 5a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 6) Claim(s) \_\_\_\_\_ is/are allowed.
- 7) Claim(s) 1, 3, 4,6-10, 12-15, 18, 19, and 21-27 is/are rejected.
- 8) Claim(s) \_\_\_\_\_ is/are objected to.
- 9) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 3-4, 6-10, 12-15, 18-19 and 21-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant previously amended the independent claims 1 and 25 to include the limitation "a water vapor permeability of 20 to 1000 g/m<sup>2</sup>." The specification states that the water vapor permeability is 5 to 1000 g/m<sup>2</sup>, preferably 20 to 400 g/m<sup>2</sup>, particularly preferably 50 to 200 g/m<sup>2</sup> (pg. 7 lines 1-3). Thus, the claim fails to comply with the written description requirement.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 3-4, 6-10, 13-15, 18-19, 21 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erk et al. (US 4,897,295, hereinafter "Erk") in view of Ahlgren et al. (US 6,203,750, hereinafter "Ahlgren").

In regards to claim 1, Erk discloses a food stuff casing for packing and casing hot packed food stuffs or those that are heated after packing, containing at least one polyamide (abstract). The casing is single layer and consist of at least one polyamide which is alpha-form is crystallized (col. 4 lines 44-46). The casing comprises a mixture of copolyamides of caprolactam, hexamethylene diamine, and adipic acid (col. 10 lines 43-49). This includes polyamide 6,6 (col. 4 lines 46-51). The casing comprises at least one ionomer resin and/or a modified ethylene-vinylacetate copolymer (col. 10 lines 50-54). Thus, the food casing comprises an aliphatic copolyamide and at least one further polymer such as ionomers.

The food casings are shirred (table 1). The food casings, without separate support, have sufficient intrinsic stability to be process on fully automatic stuffing machines (col. 6 liens 17-19). It would naturally flow that the casings would bend under the effect of their own weight by no more than 20%, because the casings are stuffed using an automatic stuffing machine without a separate support to hold the casings upright, thus the casings would not be able to be stuffed if the casings were bent more than 20%.

Erk discloses that the polyamide portion of the casings absorbs up to 13%-wt water up to the saturation concentration (col. 5 lines 1-5). Thus, the water vapor permeability is essentially imparted by the synthetic polymers. Although the prior art

does not disclose a water vapor permeability of 20 to 100 g/m<sup>2</sup>d, the claimed properties are deemed to be inherent to the structure in the prior art since the Erk reference teaches an invention with a substantially similar structure and chemical composition as the claimed invention. Products of identical structure and composition cannot have mutually exclusive properties. The burden is on the Applicants to prove otherwise.

Erk is silent with regards to the casing being compressed in a ratio of 100:1. Ahlgren discloses a polyamide containing casing which are shirred for use as cook-in casings for the packaging of processed meat products, such as ham, turkey, bologna, etc (col. 1 lines 11-18). The film from which the casing is made contains a layer comprising at least two polyamides (col. 2 lines 9-11). The filing of various types of casing with viscous meat emulsion can be carried out by various automatic and semi-automatic processes (col. 14 lines 50-52). Apparatus and processes are well known in the food casing art for producing shirred, tubular casings (col. 14 lines 58-59). Such apparatus may be employed in the preparation of pleated (overlapping shirring pleats) and compressed tubular casing wherein the compression ratios are in the order of at least about 40:1 and up to about 100:1 or even greater (col. 14 lines 60-63). Using suitable food stuffing machinery, casing lengths can be stuffed with particulate or comminuted viscous material such as meat emulsion or the like, and thereafter formed into unit size lengths, using metal clips and/or heat seals (col. 14 lines 63-67).

Erl is silent with regards to the compression ratio and the overlapping shirring pleats, therefore, it would have been necessary and thus obvious to look to the prior art for conventional materials. Ahlgren provides this conventional teaching showing that it

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is known in the art to use pleated (overlapping shirring pleats) and compressed tubular casing wherein the compression ratios are in the order of at least about 40:1 and up to about 100:1 or even greater (col. 14 lines 60-63). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the food casings of Erk from the conventional teaching of pleated (overlapping shirring pleats) and compressed tubular casing wherein the compression ratios are in the order of at least about 40:1 and up to about 100:1 or even greater (col. 14 lines 60-63) motivated by the expectation of successfully practicing the invention of a intrinsically stable shirred tubular food casing that can processed on a fully automatic stuffing machine.

In regards to claim 3, Although the prior art does not disclose the casing having a sigma-5 value of to 10/10 N/mm<sup>2</sup>, the claimed properties are deemed to be inherent to the structure in the prior art since the Erk reference teaches an invention with a substantially similar structure and chemical composition as the claimed invention. Products of identical structure and composition cannot have mutually exclusive properties. The burden is on the Applicants to prove otherwise.

In regards to claim 4, Although the prior art does not disclose the casing extending in the longitudinal direction by no more than 15% when stored on smooth planar support at room temperature and 60 % rh, the claimed properties are deemed to be inherent to the structure in the prior art since the Erk reference teaches an invention with a substantially similar structure and chemical composition as the claimed invention.

Products of identical structure and composition cannot have mutually exclusive properties. The burden is on the Applicants to prove otherwise.

In regards to claim 6, Erk discloses that the polyamide casing is single layer (col. 4 lines 44-46).

In regards to claim 7, Erk discloses that the casings produced are recited to have thickness between 25 to 100 µm (col. 4 lines 46-50).

In regards to claim 8, Erk discloses that the food casing contains soft synthetic polymers, such as polyamides (col. 4 lines 44-67).

In regards to claim 9, Erk discloses that the shirred food casing is plasticized by water (col. 4 lines 1-13).

In regards to claim 10, Although the prior art does not disclose the casing having a nominal caliber of no more than 20 mm, the claimed properties are deemed to be inherent to the structure in the prior art since the Erk reference teaches an invention with a substantially similar structure and chemical composition as the claimed invention. Products of identical structure and composition cannot have mutually exclusive properties. The burden is on the Applicants to prove otherwise.

In regards to claim 13, Erk discloses that the casings are tied off (col. 3 lines 48-55).

In regards to claim 14, Erk discloses that the casing is permeable to hot smoke (col. 6 liens 28-20).

In regards to claim 15, Erk discloses that the shirred food casing achieves the required intrinsic stability by a temporary setting of the shirring geometry and the

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resultant breakdown in tension of the shirred pleats and the intrinsic stability is promoted by an impregnation of water (col. 3 lines 5-25).

In regards to claim 18, Although the prior art does not disclose the casing extending in the longitudinal direction by no more than 10% when stored on smooth planar support at room temperature and 60 % rh, the claimed properties are deemed to be inherent to the structure in the prior art since the Erk reference teaches an invention with a substantially similar structure and chemical composition as the claimed invention. Products of identical structure and composition cannot have mutually exclusive properties. The burden is on the Applicants to prove otherwise.

In regards to claim 19, it would naturally flow that the casings would bend under the effect of their own weight by no more than 20%, because the casings are stuffed using a automatic stuffing machine without a separate support to hold the casings upright, thus the casings would not be able to be stuffed if the casings were bent more than 20%.

In regards to claim 21, Erk discloses that the food casing comprises water as a plasticizer (col. 4 lines 1-13).

In regards to claims 25-26, Erk discloses a food stuff casing for packing and casing hot packed food stuffs or those that are heated after packing, containing at least one polyamide (abstract). The casing is single layer and consist of at least one polyamide which is alpha-form is crystallized (col. 4 lines 44-46). The casing comprises a mixture of copolyamides of caprolactam, hexamethylene diamine, and adipinc acid (col. 10 lines 43-49). This includes polyamide 6,6 (col. 4 lines 46-51). The casing

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comprises at least one ionomer resin and/or a modified ethylene-vinylacetate copolymer (col. 10 lines 50-54). Thus, the food casing comprises an aliphatic copolyamide and at least one further polymer such as ionomers.

The food casings are shirred (table 1). The food casings, without separate support, have sufficient intrinsic stability to be processed on fully automatic stuffing machines (col. 6 lines 17-19). It would naturally follow that the casings would bend under the effect of their own weight by no more than 20%, because the casings are stuffed using an automatic stuffing machine without a separate support to hold the casings upright, thus the casings would not be able to be stuffed if the casings were bent more than 20%.

Erk discloses that the polyamide portion of the casings absorbs up to 13%-wt water up to the saturation concentration (col. 5 lines 1-5). Thus, the water vapor permeability is essentially imparted by the synthetic polymers. Although the prior art does not disclose a water vapor permeability of 20 to 100 g/m<sup>2</sup>d, the claimed properties are deemed to be inherent to the structure in the prior art since the Erk reference teaches an invention with a substantially similar structure and chemical composition as the claimed invention. Products of identical structure and composition cannot have mutually exclusive properties. The burden is on the Applicants to prove otherwise.

Erk is silent with regards to the casing being compressed in a ratio of 100:1

Ahlgren discloses a polyamide containing casing which are shirred for use as cook-in casings for the packaging of processed meat products, such as ham, turkey, bologna, etc (col. 1 lines 11-18). The film from which the casing is made contains a

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layer comprising at least two polyamides (col. 2 lines 9-11). The filing of various types of casing with viscous meat emulsion can be carried out by various automatic and semi-automatic processes (col. 14 lines 50-52). Apparatus and processes are well known in the food casing art for producing shirred, tubular casings (col. 14 lines 58-59). Such apparatus may be employed in the preparation of pleated (overlapping shirring pleats) and compressed tubular casing wherein the compression ratios are in the order of at least about 40:1 and up to about 100:1 or even greater (col. 14 lines 60-63). Using suitable food stuffing machinery, casing lengths can be stuffed with particulate or comminuted viscous material such as meat emulsion or the like, and thereafter formed into unit size lengths, using metal clips and/or heat seals (col. 14 lines 63-67).

Erl is silent with regards to the compression ratio and the overlapping shirring pleats, therefore, it would have been necessary and thus obvious to look to the prior art for conventional materials. Ahlgren provides this conventional teaching showing that it is known in the art to use pleated (overlapping shirring pleats) and compressed tubular casing wherein the compression ratios are in the order of at least about 40:1 and up to about 100:1 or even greater (col. 14 lines 60-63). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the food casings of Erk from the conventional teaching of pleated (overlapping shirring pleats) and compressed tubular casing wherein the compression ratios are in the order of at least about 40:1 and up to about 100:1 or even greater (col. 14 lines 60-63) motivated by the expectation of successfully practicing the invention of a intrinsically

stable Shirred tubular food casing that can processed on a fully automatic stuffing machine.

Although the prior art does not disclose the casing having a sigma-5 value of 20/020 N/mm<sup>2</sup>, the claimed properties are deemed to be inherent to the structure in the prior art since the Vicik reference teaches an invention with a substantially similar structure and chemical composition as the claimed invention. Products of identical structure and composition cannot have mutually exclusive properties. The burden is on the Applicants to prove otherwise.

In regards to claim 27, Erk discloses that the polyamide portion of the casings absorbs up to 13%-wt water up to the saturation concentration (col. 5 lines 1-5). Thus, the water vapor permeability is essentially imparted by the synthetic polymers. Although the prior art does not disclose a water vapor permeability of 20 to 100 g/m<sup>2</sup>d, the claimed properties are deemed to be inherent to the structure in the prior art since the Erk reference teaches an invention with a substantially similar structure and chemical composition as the claimed invention. Products of identical structure and composition cannot have mutually exclusive properties. The burden is on the Applicants to prove otherwise.

5. Claims 12 and 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Erk et al. (US 4,897,295, hereinafter "Erk") in view of Huhn et al. (US 4,391,302, hereinafter "Huhn").

In regards to claims 12 and 22, Erk discloses a food stuff casing for packing and casing hot packed food stuffs or those that are heated after packing, containing at least one polyamide (abstract). The casing is single layer and consist of at least one polyamide which is alpha-form is crystallized (col. 4 lines 44-46), thus, synthetic polymers. The food casings are shirred (table 1). The food casings, without separate support, have sufficient intrinsic stability to be process on fully automatic stuffing machines (col. 6 liens 17-19). The outer surface of the casings are coated with water (col. 4 lines 1-13).

Erk is silent with regards to corona treating of the outer surface.

Huhn discloses a shirred coupled tubular casing that comprises synthetic polymers (col. 11 lines 9-30). The outer surface used a corona discharge treatment (col. 6 lines 44-62). The outer surface tension was 47 (col. 8 lines 35-55).

Erk is silent with regards to specific materials, therefore, it would have been necessary and thus obvious to look to the prior art for conventional materials. Hunh provides this conventional teaching showing that it is known in the art to use corona discharge treatment on the outer surface of a polyamide casing. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the polyamide casings of Erk with a corona discharge treated outer surface from Hunh motivated by the expectation of successfully practicing the invention of a shirred casing where the pleats formed from the shirring do not stick to one another.

Although the prior art does not disclose that the shirred casing extends in the longitudinal direction by no more than 10% when it is stored on a smooth, planar support, without packaging at room temperature and 60% relative humidity and increased adhesion of the individual shirred pleats to one another, the claimed properties are deemed to be inherent to the structure in the prior art since the combination of Erk and Hunh reference teaches an invention with a substantially similar structure and chemical composition as the claimed invention. Products of identical structure and composition cannot have mutually exclusive properties. The burden is on the Applicants to prove otherwise.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Erk et al. (US 4,897,295, hereinafter “Erk”) in view of Ahlgren et al. (US 6,203,750, hereinafter “Ahlgren”) in further view of Mori (US 2004/0191368, hereinafter “Mori”) in further view of Vasselin et al. (US 5,616,418, hereinafter “Vasselin”).

In regards to claim 23, the combination of Erk, Ahlgren and Mori is silent with regards to the food casing containing polyether block amide, therefore, it would have been necessary and thus obvious to look to the prior art for conventional materials.

Vasselin provides this conventional teaching showing that it is known in the art to use a mixture of polyetheresteramide and nylon 6/66 in casings (abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the nylon inner layer of the combination of Erk, Ahlgren, and Mori from the mixture of nylon 6/66, polyvinylpyrrolidone and polyetheresteramide motivated

by the expectation of successfully practicing the invention of a casing that that has a food contact surface with improved antistatic properties (col. 2 lines 36-39).

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Erk et al. (US 4,897,295, hereinafter “Erk”) in view of Ahlgren et al. (US 6,203,750, hereinafter “Ahlgren”) in further view of Mori (US 2004/0191368, hereinafter “Mori”).

In regards to claim 24, the combination of Erk and Ahlgren is silent with regards to the food casing containing polyvinylpyrrolidone, therefore, it would have been necessary and thus obvious to look to the prior art for conventional materials.

Mori provides this conventional teaching showing that it is known in the art to use a mixture of polyvinylpyrrolidone and nylon 6/66 in food casings [0013]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the nylon inner layer of the combination of Erk and Ahlgren from the mixture of nylon 6/66 and polyvinylpyrrolidone motivated by the expectation of successfully practicing the invention of a smokable food casing that that has improved properties including high tensile rupture strength, high impact strength, high dimensional stability, and high oxygen blocking ability [0016] while maintaining a wrinkle free packed food product after refrigeration [0023].

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 3-4, 6-10, 12-15, 18-19, and 21-27 have been considered but are moot in view of the new ground(s) of rejection.

9. The applicant argues that the specification provides water vapor premeabilities ranging from 5 to 1000 g/m<sup>2</sup>d and 20 to 400 g/m<sup>2</sup>d, thus the claimed ranged of 20 to 1000 g/m<sup>2</sup>d is derived implicit or inherently from the ranges as disclosed in the specification. The applicant states MPEP 2163.05 III which describes the *In re Wertheim* decision.

10. In response, there is a clear distinction between the *In re Wertheim* decision and the applicant's filed specification. The Court stated that there was implicit or inherent support because the applicant provided, within the specification, two specific examples, "36%" and 50%, that allowed for the narrower range of "between 35% and 60%". The instant applicant has provided one example in the specification where the water vapor permeability is 200 g/m<sup>2</sup>d, which is ten times greater than the lower end of the claimed range. One of ordinary skill in the art would not consider a range of 20 to 1000 g/m<sup>2</sup>d to be inherently supported by the discussion in the original disclosure. Thus, the rejection is maintained.

11. The objection to claim 26 has been removed based on applicant's amendment.

The examiner would like to note that the claiming of a new use, new function or unknown property which is inherently present in the prior art does not necessarily make the claim patentable. There is no requirement that a person of ordinary skill in the art would have recognized the inherent disclosure at the time of invention, but only that the subject matter is in fact inherent in the prior art reference.

12. The applicant argues that '750, '368, and '418 do not teach or suggest casing formed from a mixture of synthetic polymers.

In response, '750 is a teaching reference. Note that while '750 does not disclose all the features of the present claimed invention, '750 is used as teaching reference, and therefore, it is not necessary for this secondary reference to contain all the features of the presently claimed invention, *In re Nievelt*, 482 F.2d 965, 179 USPQ 224, 226 (CCPA 1973), *In re Keller* 624 F.2d 413, 208 USPQ 871, 881 (CCPA 1981). Rather this reference teaches a certain concept, namely, that polyamide casings can be shirred and compressed in a ratio of 100:1 or more in order to provide an enhanced polyamide casing and in combination with the primary reference, discloses the presently claimed invention.

Note that while '368 does not disclose all the features of the present claimed invention, '368 is used as teaching reference, and therefore, it is not necessary for this secondary reference to contain all the features of the presently claimed invention, *In re Nievelt*, 482 F.2d 965, 179 USPQ 224, 226 (CCPA 1973), *In re Keller* 624 F.2d 413, 208 USPQ 871, 881 (CCPA 1981). Rather this reference teaches a certain concept, namely, that it is known in the art to use a mixture of polyvinylpyrrolidone and nylon 6/66 in food casings in order to provide a smokable food casing that has improved properties including high tensile rupture strength, high impact strength, high dimensional stability, and high oxygen blocking ability [0016] while maintaining a wrinkle free packed food product after refrigeration [0023] and in combination with the primary reference, discloses the presently claimed invention.

Note that while '418 does not disclose all the features of the present claimed invention, '418 is used as teaching reference, and therefore, it is not necessary for this

secondary reference to contain all the features of the presently claimed invention, *In re Nievelt*, 482 F.2d 965, 179 USPQ 224, 226 (CCPA 1973), *In re Keller* 624 F.2d 413, 208 USPQ 871, 881 (CCPA 1981). Rather this reference teaches a certain concept, namely, that it is known in the art to use a mixture of polyetheresteramide and nylon 6/66 in casings in order to provide a casing that has a food contact surface with improved antistatic properties (col. 2 lines 36-39) and in combination with the primary reference, discloses the presently claimed invention.

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELLEN S. WOOD whose telephone number is (571)270-3450. The examiner can normally be reached on M-F 730-5 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571)272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ELLEN S WOOD/  
Examiner, Art Unit 1782

/Rena L. Dye/  
Supervisory Patent Examiner, Art Unit 1782

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